	Application No.	Applicant(s)
Notice of Allowability	09/868,797	WEISS, MATTHIAS
	Examiner	Art Unit	
	Kevin P. Rizzuto	2183	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *amendment filed 2/8/06*.

2. ☒ The allowed claim(s) is/are *11-19*.

3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All   b) ☐ Some*   c) ☐ None of the:

        1. ☒ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

        3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

    * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

    (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

        1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____ .

    (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of
    Paper No./Mail Date _____ .

    Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .

7. ☒ Examiner's Amendment/Comment

8. ☐ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____ .

Detailed Action

1.   Claims 11-19 are allowed.

Examiner's Amendment

2.   An examiner's amendment to the record appears below. Should the changes

and/or additions be unacceptable to applicant, an amendment may be filed as provided

by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be

submitted no later than the payment of the issue fee.

3.   Authorization for this examiner's amendment was given in a telephone interview

with Manu Tejwani (Reg. No. 37,952) on 4/10/06 and 4/13/06.

       The application has been amended as follows:

Claim Amendments

4.   Claim 11, lines 12-13, please REPLACE the limitation "a primary instruction word

(5) from a first reference group of preceding primary instruction words" with the

limitation – a primary instruction word (5) from a first reference group (11) of preceding

primary instruction words --.

5.   Claim 11, line 20, please REPLACE the limitation "instruction words (9)

corresponding in number to the first group (11)" with the limitation – instruction words

(9) corresponding in number to the first reference group (11) --.

6.   Claim 11, lines 23-25, please INSERT a comma after "word (7)" by REPLACING

the limitation "wherein using the first characteristic (10) contained in the program word

(7) a particular secondary instruction word (9)" with the limitation – wherein using the first characteristic (10) contained in the program word (7), a particular secondary instruction word (9)–.

7.   Claim 11, line 28-32, please REPLACE the limitation "wherein the particular secondary instruction word (9) corresponding to the program word (7) is generated so that the instruction word parts (6) contained in the program word (7) are exchanged in the particular secondary instruction word (9) from the second group (12); and" with the limitation –generating a specific secondary instruction word (9) corresponding to the program word (7) so that the instruction word parts (6) contained in the program word (7) are exchanged in the particular secondary instruction word (9) from the second group (12); and--.

8.   Claim 11, line 33, please REPLACE the limitation "obtaining a store of" with the limitation –storing--.

9.   Claim 11, line 35, please REPLACE the limitation "the configuration step consists forming" with the limitation –the configuration step consists of forming--.

10.   Claim 11, line 38, please REPLACE the limitation "dynamic updating of the stored reference group of complete Very Long Instruction Words" with the limitation – dynamic updating of the stored second group of secondary instruction words, and wherein the generated specific secondary instruction (9) is executed by the functional units--.

11.   Claim 12, line 2, please REPLACE the limitation "the first group (11)" with the limitation –the first reference group (11)--.

12.   Claim 17, lines 1-3, please DELETE the limitation "wherein the program word (7)

comprises a number of instruction word parts (6) that occur frequently in the

configuration step, and".

13.   Claim 18, lines 3-4, please DELETE the limitation "most frequently occurring".

14.   Please CANCEL claim 20.

Reasons for Allowance

15.   The following is an examiner's statement of reasons for allowance:

a.   Independent Claim 11 requires the limitations, inter alia, "wherein using

the first characteristic (10) contained in the program word (7), a particular

secondary instruction word (9) from the second group (12) is associated with the

primary instruction word (5) via the associated second characteristic (13)",

"generating a specific secondary instruction word (9) corresponding to the

program word (7) so that the instruction word parts (6) contained in the program

word (7) are exchanged in the particular secondary instruction word (9) from the

second group (12)", and "the subsequent execution step comprises dynamic

updating of the stored second group of secondary instruction words." The prior

art of record fails to teach or suggest individually or in combination these

limitations, specifically that there is a *group* of secondary instructions and that

characteristics are encoded and used for associating program words with a

particular secondary instruction word from the group of secondary instruction

words and that the secondary instruction words are dynamically updated. The

prior art of record, including Applicant's admitted prior art (e.g., Weiss et al.)

teaches using only a single instruction, instead of a group of instructions, to carry

out the decompressing of instructions. Furthermore, Applicant's admitted prior

art failed to teach using any characteristics to associate an instruction to be

decoded (program word) with a previously decoded instruction (a particular

secondary instruction word) and dynamically updating the stored group of

previously decoded instructions (second group of secondary instruction words).

b.   Furthermore, Applicant's arguments filed on 2/8/06, regarding the prior art

of record (Smith and Applicant's admitted prior art) and found on pages 10-11 of

the Remarks section of the amendment, are found persuasive. In particular,

Applicant's comments on the use of characteristics required by the claims and

the distinction between sliding dictionary of Smith and the claimed invention are

found persuasive.

c.   Lastly, the "wherein" clauses of claim 11 have been given patentable

weight since they further limit what the "configuration step" and "subsequent

execution step" comprise and are material to patentability. See MPEP 2111.04

[R-3] below:

> Claim scope is not limited by claim language that suggests or makes optional but does not
> require steps to be performed, or by claim language that does not limit a claim to a particular
> structure. However, examples of claim language, although not exhaustive, that may raise a
> question as to the limiting effect of the language in a claim are:
>
> (A)   " adapted to " or "adapted for " clauses;
>
> (B)   " wherein " clauses; and
>
> (C)   " whereby " clauses.
>
> The determination of whether each of these clauses is a limitation in a claim depends on the
> specific facts of the case. In Hoffer v. Microsoft Corp., 405 F.3d 1326, 1329, 74 USPQ2d

> 1481, 1483 (Fed. Cir. 2005), the court held that when a "whereby" clause states a condition
> that is material to patentability, it cannot be ignored in order to change the substance of the
> invention."

16.   Any comments considered necessary by applicant must be submitted no later

than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on

Statement of Reasons for Allowance."

Conclusion

17.   The prior art made of record and not relied upon is considered pertinent to
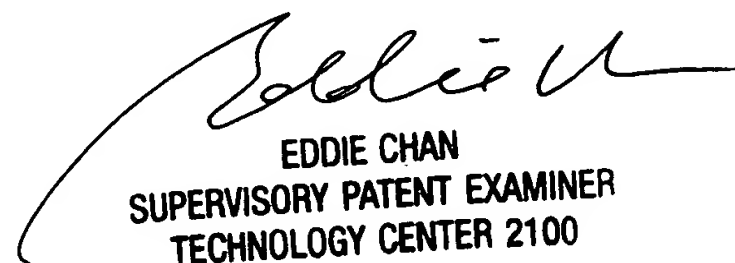
applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kevin P Rizzuto whose telephone number is (571) 272-

4174. The examiner can normally be reached on M-F, 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Eddie Chan can be reached on (571) 272-4162. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

KPR

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